

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIDDLEBELT PLYMOUTH VENTURE,
LLC, a Michigan limited liability company,
Plaintiff,

Case No. 07-12190

v.

Hon. John Corbett O'Meara

MOE'S SOUTHWEST GRILL, LLC, a
Georgia limited liability company; S & Q
RIB SHACK, LLC, a Georgia limited
liability company; and RAVING BRANDS
HOLDINGS, INC., a Georgia Corporation
Defendants,

**ORDER DENYING PLAINTIFF'S MOTION TO
COMPEL AND REOPEN DISCOVERY**

Before the court is Plaintiff's Motion to compel and reopen discovery, filed on July 14, 2008. The matter is fully briefed. Plaintiff claims the answers it received to its First Interrogatories and Request for Production (the Request) is inadequate. The court notes that Plaintiff filed the Request on April 3, 2008, twelve days prior to the end of a six-month discovery period. Defendants objected to the late nature of the Request, but submitted answers to Plaintiff's Request. It was not until July 14, almost two months after the court denied Plaintiff's motion for summary judgment, and four months after the end of discovery that Plaintiff now complains the answers it received were insufficient. Plaintiff's motion is untimely and, in any event, would not have affected this Court's judgment in its ruling on Plaintiff's motion for summary judgment.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to compel and reopen discovery, is DENIED.

s/John Corbett O'Meara

United States District Judge

Date: August 13, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 13, 2008, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager